

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.04 P, Closed Area No. 40, Union River Bay, Patten Bay and the Union River, promulgated on November 21, 2001, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.04 P, Closed Area No. 40, Union River Bay, Patten Bay and the Union River, Towns of Ellsworth, Surry and Trenton.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Union River Bay and Patten Bay, upstream (northerly) of a line beginning at the most southeastern tip of Burnt Point on Newbury Neck, Surry and running northeasterly to a red painted post at the most southern prominence of Oak Point, Trenton.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

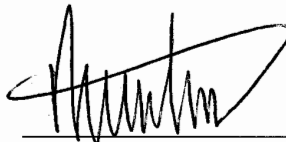
EFFECTIVE DATE: November 4, 2003

AGENCY CONTACT PERSON: Amy Fitzpatrick
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ELLSWORTH AMERICAN
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STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals emergency DMR Regulation 95.04 P, Closed Area No. 40, Union River Bay, Patten Bay and the Union River, promulgated on November 21, 2001, and enacts a new regulation. This closes the Union River Bay because of a chronic bypass in the collection system at the Ellsworth sewage treatment plant. Lack of treatment of the influent makes the Union River Bay area subject to microbiological pollution, therefore posing a threat to public health. This conditional area will remain closed until corrective measures are made to prevent the bypass in the collection system and water and clam microbiological testing show there is no longer a threat to public health.



DAVID ETNIER
DEPUTY COMMISSIONER



Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

For: Ellsworth Surry Trenton

C40 - Union River Bay and Patten Bay 11-4-03

